

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**DECLARATION OF NIKHIL
SINGHVI**

I, Nikhil Singhvi, pursuant to 28 U.S.C. § 1746, declare as follows:

I am an attorney employed by the Federal Trade Commission (“FTC”) and counsel of record for the FTC in this matter. I submit this declaration in support of the FTC’s Motion And Memorandum Of Points And Authorities In Support Of Motion For Preliminary Injunction Against Tucker Defendants And Relief Defendants.

1. Attached to this declaration as **Exhibit 1** is a true and correct copy of the declaration of Elizabeth Anne Miles.

2. Attached to this declaration as **Exhibit 2** is a true and correct copy of the transcript of the August 7-8, 2013 deposition of Defendants’ Rule 30(b)(6) witness, Natalie Dempsey, without exhibits.

3. Attached to this declaration as **Exhibits 3.1-3.7** are true and correct copies of a number of documents produced by the FTC and by Defendants during discovery with the following Bates numbers:

a. **Exhibit 3.1:** FTC-CLK-00002440-41, FTC-CLK-00018287-92, FTC-CLK-00004095-99, FTC-CLK-00002255-59, FTC-CLK-00002504-15;

b. **Exhibit 3.2:** FTC-CLK-00018446-49, FTC-CLK-00004078-83, AMG_00660187-99;

- c. **Exhibit 3.3:** FTC-CLK-00002811-16, FTC-CLK-00002840-44, FTC-CLK-00018458-61, FTC-CLK-00018565-69, FTC-CLK-00004412-24;
- d. **Exhibit 3.4:** FTC-CLK-00018262-67, FTC-CLK-00002937-39, FTC-CLK-00005203-07, FTC-CLK-00003866-70, FTC-CLK-00004788-4801;
- e. **Exhibit 3.5:** FTC-CLK-00003396-97, FTC-CLK-00003364-65, FTC-CLK-00018470-73, FTC-CLK-00003326-30, AMG 00003500-05;
- f. **Exhibit 3.6:** AMG_00457989-94, AMG_00207862, AMG_00207932, Phase 1 Long Term 005081-84; and
- g. **Exhibit 3.7:** AMG_00056307-10, AMG_00272343, and AMG_00272408.

These documents constitute copies of Defendants' loan contracts used by Defendants' seven loan portfolios over the years. The appearance, contents, substance, internal patterns, and other distinctive characteristics of these loan contracts are similar to one another. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

4. Attached to this declaration as **Exhibit 4** is a true and correct copy of a complaint filed in the case *Hallinan v. Scott A. Tucker*, No. A574769 (Jan. 9, 2009), without exhibits. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

5. Attached to this declaration as **Exhibit 5** is a true and correct copy of the "Project – Advanced Monies" report issued by the accounting firm Squar Milner in December 2012. This report was produced by AMG Services, Inc. during discovery with the Bates number MT0050935.

6. Attached to this declaration as **Exhibit 6** is a true and correct copy of a Kansas business entity records search document produced by the FTC during discovery with the Bates numbers FTC-CLK-00015368-69.

7. Attached to this declaration as **Exhibit 7** are excerpts from a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00011337-465. The full document is available to the Court upon request.

8. Attached to this declaration as **Exhibit 8** are excerpts from true and correct copies of documents obtained by the FTC from the U.S. Patent and Trademark Office website at www.uspto.gov and reflect trademark application and transfer documents for Defendants' loan portfolio trade names.

9. Attached to this declaration as **Exhibit 9** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMGPT_00000081-90.

10. Attached to this declaration as **Exhibit 10** is a true and correct copy of the transcript of the October 4, 2012 deposition of SFS's Rule 30(b)(6) witness, Lee Ickes, without exhibits.

11. Attached to this declaration as **Exhibit 11** is a true and correct copy of a document produced by Red Cedar Services during discovery with the Bates numbers FTC-RCS-000074-84.

12. Attached to this declaration as **Exhibit 12** are true and correct copies of trademark assignment documents for "500FastCash," obtained by the FTC from the U.S. Patent and Trademark Office website at www.uspto.gov on April 27, 2015.

13. Attached to this declaration as **Exhibit 13** are true and correct copies of Tribal Financial Services Inc.'s Answers To Plaintiff's First Set Of Interrogatories (Oct. 19, 2012); SFS Inc.'s Amended Answers To Plaintiff's First Set Of Interrogatories (Feb. 4, 2013); and Red Cedar Services, Inc.'s Amended Answers To Plaintiff's First Interrogatories (Feb. 4, 2013).

14. Attached to this declaration as **Exhibit 14** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMGPT_00000023-29.

15. Attached to this declaration as **Exhibit 15** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00018096-98.

16. Attached to this declaration as **Exhibit 16** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMGPT_00000248.

17. Attached to this declaration as **Exhibit 17** is a true and correct copy of the October 30, 2012 declaration of Joshua Kendall.

18. Attached to this declaration as **Exhibit 18** are excerpts from a true and correct copy of a document obtained by the FTC from declarant Joshua Kendall and produced by the FTC during discovery with the Bates numbers FTC_Kendall_000017-48. The full document is available to the Court upon request.

19. Attached to this declaration as **Exhibit 19** is a true and correct copy of the May 4, 2012 declaration of Susan Oxenford.

20. Attached to this declaration as **Exhibit 20** is a true and correct copy of AMG Services Inc.'s First Amended Answers To Plaintiff's Expedited Interrogatories (Oct. 11, 2012).

21. Attached to this declaration as **Exhibit 21** is a true and correct copies of a document produced by AMG during discovery with the Bates numbers AMG_00097373-76.

22. Attached to this declaration as **Exhibit 22** is a true and correct copy of the transcript of the August 28, 2013 deposition of Crystal Grote, without exhibits. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

23. Attached to this declaration as **Exhibit 23** is a true and correct copy of AMG Services Inc.'s Answers To Plaintiff's First Set Of Interrogatories (Oct. 19, 2012).

24. Attached to this declaration as **Exhibit 24** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00663652-54.

25. Attached to this declaration as **Exhibit 25** is a true and correct copy of a document produced by AMG during discovery with the Bates number AMG_00664016.

26. Attached to this declaration as **Exhibit 26** is a true and correct copy of AMG Services Inc.'s Supplemental Privilege Log (July 3, 2013).

27. Attached to this declaration as **Exhibit 27** is a true and correct copy of Scott Tucker's Responses To Plaintiff's First Set Of Interrogatories (Oct. 12, 2012).

28. Attached to this declaration as **Exhibit 28** is a true and correct copy of Answers To Plaintiff's First Set Of Interrogatories To Defendant Troy LittleAxe (Sept. 27, 2012).

29. Attached to this declaration as **Exhibit 29** is a true and correct copy of a document produced by AMG during discovery with the Bates number AMG_00458052. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

30. Attached to this declaration as **Exhibit 30** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00663682-87.

31. Attached to this declaration as **Exhibit 31** are true and correct copies of several documents produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by the FTC during discovery with the Bates numbers: FTC-CLK-00018157-58, FTC-CLK-00018163-64, and FTC-CLK-00018198-204. These documents contain email communications between the Defendants and Intercept (Defendants' third-party payment processor). These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

32. Attached to this declaration as **Exhibit 32** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00664073-74.

33. Attached to this declaration as **Exhibit 33** is a true and correct copy of a document produced by AMG during discovery with the Bates number AMG_00664039.

34. Attached to this declaration as **Exhibit 34** is a true and correct copy of AMG Services Inc.'s Amended Answers To Plaintiff's Fourth Set Of Interrogatories (Nov. 10, 2014). This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

35. Attached to this declaration as **Exhibit 35** are excerpts from true and correct copies of documents obtained by the FTC via Civil Investigative Demand to Defendants'

financial institutions and reflect corporate certificates of authority for Defendants' accounts. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

36. Attached to this declaration as **Exhibit 36** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0003097, MT0059651, MT0006660, MT0005752, MT0009100, MT0006880, MT0039900, MT0040038, MT0040232, MT0002443, MT0002091, MT0063539, MT0049723, MT0002663, MT0039298, MT0006252, and MT0048949. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

37. Attached to this declaration as **Exhibit 37** is a true and correct copy of a document produced by PlainsCapital Bank with the Bates numbers FTC-PCC-0000045-46 pursuant to a third-party subpoena. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

38. Attached to this declaration as **Exhibit 38** are excerpts from true and correct copies of check images obtained by the FTC from US Bank. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

39. Attached to this declaration as **Exhibit 39** is a true and correct copy of a document produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by the FTC during discovery with the Bates numbers FTC-CLK-00018092-93.

40. Attached to this declaration as **Exhibit 40** are true and correct copies of several documents produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by the FTC during discovery with the Bates numbers: FTC-CLK-00016994-96, FTC-CLK-00017011, FTC-CLK-00017173-74, FTC-CLK-00017332, and FTC-CLK-00018125-27.

41. Attached to this declaration as **Exhibit 41** is a true and correct copy of a document produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by FTC during discovery with the Bates number FTC-CLK-00018415.

42. Attached to this declaration as **Exhibit 42** is a true and correct copy of the Declaration Of Alton Irby In Support Of Plaintiff's Ex Parte Motion For Temporary Restraining Order And Order To Show Cause, filed on August 11, 2009 in the matter *Selling Source, LLC v. Red River Ventures, LLC.*, No. 2:09-cv-01491-JCM-(GWF) (ECF No. 15).

43. Attached to this declaration as **Exhibit 43** is a true and correct copy of a document produced by Central States Capital Markets, LLC with the Bates numbers FTC-CSCM_0003470-73. This document contains email communications drafted by employees of Central States Capital Markets, LLC and Pershing LLC (Defendants' third-party financial institutions), which the FTC obtained pursuant to a third-party subpoena.

44. Attached to this declaration as **Exhibit 44** is a true and correct copy of a document produced by Central States Capital Markets, LLC with the Bates numbers FTC-CSCM_0004901-02. This document contains email communications between Defendants and Central States Capital Markets, LLC, which the FTC obtained pursuant to third-party subpoena.

45. Attached to this declaration as **Exhibit 45** is a true and correct copy of a document produced by Central States Capital Markets, LLC with the Bates number FTC-CSCM_0003687. This document contains email communications between Defendants and Central States Capital Markets, LLC, which the FTC obtained pursuant to a third-party subpoena.

46. Attached to this declaration as **Exhibit 46** is a true and correct copy of a document produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by the FTC during discovery with the Bates numbers FTC-CLK-00016925-27.

47. Attached to this declaration as **Exhibit 47** is a true and correct copy of a document produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by the FTC during discovery with the Bates number FTC-CLK-00017011.

48. Attached to this declaration as **Exhibit 48** is a true and correct copy of a document produced by Intercept to the FTC pursuant to a third-party subpoena and then produced by FTC during discovery with the Bates numbers FTC-CLK-00016994-96.

49. Attached to this declaration as **Exhibit 49** is a true and correct copy of a document produced by AMG during discovery with the Bates number AMG_00097294.

50. Attached to this declaration as **Exhibit 50** is a true and correct copy of Blaine Tucker's First Supplemental Responses To Plaintiff's First Set Of Interrogatories (Nov. 29, 2012).

51. Attached to this declaration as **Exhibit 51** are true and correct copies of documents produced by AMG during discovery with the Bates numbers: AMG_00665576-80. Documents AMG_00665577, AMG_00665578, AMG_00665579 and AMG_00665580 were produced in native format; as a result, each page is not individually Bates stamped.

52. Attached to this declaration as **Exhibit 52** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers AMG_00662424.

53. Attached to this declaration as **Exhibit 53** are true and correct copies of several documents produced by AMG and the Tucker Defendants during discovery with the Bates numbers: MT0049003, MT0047770, MT0040482, MT0044506, MT0040746, MT0005764, MT0002141, TUCKER-DEF_000323-29, MT0048508, MT0048478, MT0002855, MT0047268, MT0039914, MT0006312, and MT0002697. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

54. Attached to this declaration as **Exhibit 54** are excerpts from true and correct copies of check images obtained by the FTC from US Bank. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

55. Attached to this declaration as **Exhibit 55** is a true and correct copy of a document produced by Central States Capital Markets, LLC with the Bates number FTC-CSCM_0004784. This document contains email communications between Defendants and Central States Capital Markets, LLC, which the FTC obtained pursuant to a third-party subpoena.

56. Attached to this declaration as **Exhibit 56** are true and correct copies of check images produced by US Bank and Bay Cities Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

57. Attached to this declaration as **Exhibit 57** are true and correct copies of several documents produced by Defendants, as well as by Bank Midwest, Brotherhood Bank & Trust, and TD Bank, during discovery with the Bates numbers: FTC BankMidwest_0000015, FTC BankMidwest_0000032, FTC_Brotherhood_0000071, FTC_Brotherhood_0000092, FTC_TDBank_0000338, FTC_TDBank_0000340, MT0030981, MT0000795, MT0000814-15, FTC BankMidwest_0000079, FTC_Brotherhood_0000158, FTC_TDBank_0000284, and FTC_TDBank_0003097. The documents from Defendants' financial institutions were obtained pursuant to third-party subpoenas. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

58. Attached to this declaration as **Exhibit 58** is a true and correct copy of Level 5 Motorsports, LLC's Responses To Plaintiff's First Set Of Interrogatories (Oct. 11, 2012).

59. Attached to this declaration as **Exhibit 59** is a true and correct copy of a document produced by AMG during discovery with the Bates numbers FTC-AMG-000048-123.

60. Attached to this declaration as **Exhibit 60** is a true and correct copy of a document obtained by the FTC from Billing Tree and produced by the FTC during discovery with the Bates numbers FTC_BT 0000055-56.

61. Attached to this declaration as **Exhibit 61** is an excerpt of a true and correct copy of a document produced by MNE during discovery with the Bates numbers FTC-MNE-000140-301. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308). The full document is available to the Court upon request.

62. Attached to this declaration as **Exhibit 62** is a true and correct copy of a document produced by SFS during discovery with the Bates numbers FTC-SFS-000003-9.

63. Attached to this declaration as **Exhibit 63** is a true and correct copy of a document produced by Red Cedar Services during discovery with the Bates numbers FTC-RCS-000004-13.

64. Attached to this declaration as **Exhibit 64** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0004707, MT004709, MT0004711, MT0004713, MT0004715, MT0004717, MT0004719, MT0004721, MT0004723, MT0004725, MT0004727, MT0007981, MT0007983, MT0007985, MT0007987, MT0007989, MT0007991, MT0007993, MT0007995, and MT0007997.

65. Attached to this declaration as **Exhibit 65** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0000792-94, MT0000790, MT0001026, MT0030140-41, MT0030143-47, MT0030151, MT0030156-57, MT0001075, MT0030351-53, MT0030359, MT0030364, MT0022861, MT0001238, MT0001244-45, MT0001248, MT0005159, and MT0032574-75.

66. Attached to this declaration as **Exhibit 66** are true and correct copies of several documents produced by AMG and the Tucker Defendants during discovery with the Bates numbers: MT0003097, MT0009924, MT0006660, TUCKER-DEF_016281-85, TUCKER-DEF_018786-87, TUCKER-DEF_018874-75, TUCKER-DEF_018880-81, TUCKER-DEF_018888-89, and TUCKER-DEF_018899-900. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

67. Attached to this declaration as **Exhibit 67** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0002483, MT0006104, MT0009452, MT0039914, MT0039970, MT0040562, MT0042874, MT0042912, MT0043308, MT0043846, MT0044346, MT0047826, MT0048514, MT0048889, MT0049969, MT0055079, MT0058799, MT0063735, MT0067312, and MT0073659. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

68. Attached to this declaration as **Exhibit 68** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0040038, MT0040482, MT0040882, MT0040992, MT0041012, MT0041018, MT0041082, MT0044288, MT0044628, MT0044712, MT0044732, MT0044738, MT0061672, MT0061923, MT0062554, MT0062664, MT0062690, MT0070810, MT0070914, and MT0070920. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

69. Attached to this declaration as **Exhibit 69** are true and correct copies of several documents produced by AMG and the Tucker Defendants during discovery with the Bates numbers: MT0001887, MT0001957, MT0002779, MT0005512, MT008858, MT0009100, MT008930, MT0039736, MT0048500, MT0048506, MT0048510, MT0048512, MT0048516, MT0048534, MT0048544, TUCKER-DEF_015649-51, TUCKER-DEF_0000509, and TUCKER-DEF_000491. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

70. Attached to this declaration as **Exhibit 70** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0059651, MT0068090, MT0069842, MT0002141, MT0002717, MT0066972, MT0067460, MT0073805, MT0049573, MT0063335, MT0002441, MT0002777, MT0002855, MT0002095, MT0048498, MT0054685, MT0003203, MT0006768, MT0066928, MT0073273, MT0039158, and MT0060592. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

71. Attached to this declaration as **Exhibit 71** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0022863, MT0022866, MT0022868, MT0022871, MT0024466, MT0024470, MT0024472, MT0024474, MT0025832, MT0025834, MT0025836, MT0025839, MT0027110, MT0027592, and MT0027598.

72. Attached to this declaration as **Exhibit 72** are true and correct copies of financial transaction documents and bank statements for the accounts of AMG Services and BA Services LLC produced by PlainsCapital Bank, Bay Cities Bank, US Bank, Midwest Trust, and First International Bank & Trust to the FTC via third-party subpoenas. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

73. Attached to this declaration as **Exhibit 73** are excerpts of true and correct copies of documents produced by Central States Capital Markets, LLC with the Bates numbers FTC-CSCM_0004089-114. These documents contains an email communication between Defendants and Central States Capital Markets, LLC and excerpts of the attached exhibits. The FTC obtained this document pursuant to a third-party subpoena. The full document is available to the Court upon request.

74. Attached to this declaration as **Exhibit 74** is a true and correct copy of a document produced by AMG during discovery with Bates numbers AMG_543795-98. Also attached is an Internet web capture from the website www.planetlemans.com, captured by the FTC on April 8, 2015, indicating that Level 5 Motorsports participated in the Le Mans motorsport race on June 14, 2011, the same date that Scott Tucker paid for a hotel stay with his AMG credit card.

75. Attached to this declaration as **Exhibit 75** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: AMG_00421082-83, AMG_00421309, and AMG_0421448-49.

76. Attached to this declaration as **Exhibit 76** is a true and correct copy of a document produced by the Tucker Defendants during discovery with the Bates number TUCKER-DEF_001653. This document was produced in native format; as a result, each page is not individually Bates stamped.

77. Attached to this declaration as **Exhibit 77** are true and correct copies of seven check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek produced

by Bay Cities Bank and US Bank obtained pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

78. Attached to this declaration as **Exhibit 78** is a true and correct copy of a document produced by the Tucker Defendants during discovery with the Bates numbers TUCKER-DEF_001654-55.

79. Attached to this declaration as **Exhibit 79** is a true and correct copy of a document obtained by the FTC from the Kansas Secretary of State and produced during discovery with the Bates numbers FTC-CLK-0031256-61.

80. Attached to this declaration as **Exhibit 80** is a true and correct copy of Broadmoor Capital Partners, LLC's Responses To Plaintiff's First Set Of Interrogatories (Oct. 12, 2012).

81. Attached to this declaration as **Exhibit 81** are true and correct copies of several documents produced by AMG during discovery with the Bates numbers: MT0000823-30, MT0000832-33, MT0029657-61, MT0029663, MT0029665-67, and MT0029669-72.

82. Attached to this declaration as **Exhibit 82** is a true and correct copy of AMG Capital Management, LLC's Responses To Plaintiff's First Set Of Interrogatories (Oct. 12, 2012).

83. Attached to this declaration as **Exhibit 83** is a true and correct copy of a document produced by BA Services LLC during discovery with the Bates numbers BA Services 00032-38.

84. Attached to this declaration as **Exhibit 84** is a true and correct copy of a document produced by BA Services LLC during discovery with the Bates numbers BA Services 00001-27.

85. Attached to this declaration as **Exhibit 85** is a true and correct copy of a document produced by BA Services LLC during discovery with the Bates numbers BA Services 00120-31.

86. Attached to this declaration as **Exhibit 86** is a true and correct copy of a document produced by BA Services LLC during discovery with the Bates numbers BA Services 00041-95.

87. Attached to this declaration as **Exhibit 87** is a true and correct copy of a document produced by Bay Cities Bank pursuant to a third-party subpoena and produced by the FTC during discovery with the Bates numbers FTC-BAY-0000063-64. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

88. Attached to this declaration as **Exhibit 88** is a true and correct copy of a document produced by Bay Cities Bank pursuant to a third-party subpoena and produced by the FTC during discovery with the Bates numbers FTC-BAY-0000059-60.

89. Attached to this declaration as **Exhibit 89** is a true and correct copy of a document produced by Bay Cities Bank pursuant to a third-party subpoena and produced by the FTC during discovery with the Bates numbers FTC-BAY-0000244-45.

90. Attached to this declaration as **Exhibit 90** are true and correct copies of check images from the accounts of TFS, Red Cedar Services, and SFS produced by US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

91. Attached to this declaration as **Exhibit 91** are true and correct copies of documents produced by the Tucker Defendants during discovery with the Bates numbers TUCKER-DEF_000001-53. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

92. Attached to this declaration as **Exhibit 92** are true and correct copies of check images from the accounts of TFS, Red Cedar Services, SFS, and Black Creek Capital produced by US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

93. Attached to this declaration as **Exhibit 93** are true and correct copies of check images from the accounts of TFS, Red Cedar Services, SFS, and Black Creek Capital produced by US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

94. Attached to this declaration as **Exhibit 94** are true and correct copies of check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek Capital produced by Bay Cities Bank and US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

95. Attached to this declaration as **Exhibit 95** are true and correct copies of check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek Capital produced by Bay Cities Bank and US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

96. Attached to this declaration as **Exhibit 96** are true and correct copies of check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek Capital produced by Bay Cities Bank and US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

97. Attached to this declaration as **Exhibit 97** are true and correct copies of check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek Capital produced by Bay Cities Bank and US Bank pursuant to third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

98. Attached to this declaration as **Exhibit 98** are true and correct copies of check images from the accounts of MNES, Red Cedar Services, SFS, and Black Creek Capital produced by Bay Cities Bank and US Bank pursuant to third-party subpoena. These documents

have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

99. Attached to this declaration as **Exhibit 99** are true and correct copies of check images from the accounts of AMG Services and Scott Tucker produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

100. Attached to this declaration as **Exhibit 100** is an excerpt from a true and correct copy of a document produced by the Tucker Defendants during discovery with the Bates numbers TUCKER-DEF_004078. This document was produced in native format; as a result, each page is not individually Bates stamped. The full document is available to the Court upon request.

101. Attached to this declaration as **Exhibit 101** is an excerpt from a true and correct copy of a document produced by the Tucker Defendants during discovery with the Bates number TUCKER-DEF_009484. This document was produced in native format; as a result, each page is not individually Bates stamped. The full document is available to the Court upon request.

102. Attached to this declaration as **Exhibit 102** is an excerpt from a true and correct copy of a document produced by the Tucker Defendants during discovery with the Bates numbers TUCKER-DEF_009485-511. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308). The full document is available to the Court upon request.

103. Attached to this declaration as **Exhibit 103** is a true and correct copy of a document produced by Bay Cities Bank with the Bates number FTC_BayCities_0000042 pursuant to a third-party subpoena.

104. Attached to this declaration as **Exhibit 104** is a true and correct copy of a document produced by Brotherhood Bank and Trust with the Bates numbers FTC_Brotherhood_0000003 pursuant to a third-party subpoena.

105. Attached to this declaration as **Exhibit 105** are true and correct copies of several documents produced by Central States Capital Markets, LLC with the Bates numbers FTC-CSCM_0003640, FTC-CSCM_0003650, and FTC-CSCM_0003652-53 pursuant to a third-party subpoena.

106. Attached to this declaration as **Exhibit 106** is a true and correct copy of Kim Tucker's Supplemental Answers To Plaintiff's First Set Of Interrogatories (Nov. 14, 2012).

107. Attached to this declaration as **Exhibit 107** are true and correct copies of several bank statements associated with the account of Kim C. Tucker produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

108. Attached to this declaration as **Exhibit 108** is a true and correct copy of a check image from the account of Black Creek Capital produced by US Bank pursuant to a third-party subpoena. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

109. Attached to this declaration as **Exhibit 109** are true and correct copies of check images from the account of Scott A. Tucker produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

110. Attached to this declaration as **Exhibit 110** are true and correct copies of check images from the account of Black Creek Capital produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

111. Attached to this declaration as **Exhibit 111** are true and correct copies of check images from the accounts of TFS, SFS, Red Cedar, and Black Creek Capital produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

112. Attached to this declaration as **Exhibit 112** are true and correct copies of check images from the accounts of Scott A. Tucker and BA Services LLC produced by US Bank pursuant to a third-party subpoena. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

113. Attached to this declaration as **Exhibit 113** are true and correct copies of documents produced by AMG during discovery with Bates numbers MT0029218-29. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

114. Attached to this declaration as **Exhibit 114** are true and correct copies of documents produced by AMG during discovery with Bates numbers MT0029173-75, MT0029170, MT0029177-217. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

115. Attached to this declaration as **Exhibit 115** is a true and correct copy of Park 269, LLC's Supplemental Answers To Plaintiff's First Set Of Interrogatories (Nov. 14, 2012).

116. Attached to this declaration as **Exhibit 116** are excerpts from true and correct copies of documents obtained by the FTC from the Pitkin County (Colorado) Assessor's Office. The full document is available to the Court upon request. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

117. Attached to this declaration as **Exhibit 117** are true and correct copies of documents produced by US Bank to the FTC. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

118. Attached to this declaration as **Exhibit 118** are true and correct copies of documents produced by AMG during discovery with Bates numbers: MT0002301, MT0002443, MT0005922, MT0006064, MT0009268, MT0009408, MT0039590, MT0040712, MT0040746, MT0041056, MT0043464, MT0044506, MT0044556, MT0044770, MT0046950, MT0047986, MT0048030, MT0048240, MT0049779, MT0058617, MT0054883, MT0058759, MT0061026, MT0062155, MT0062189, MT0062728, MT0063543, MT0067130, MT0067272, MT0069403,

MT0070452, MT0070502, MT0070952, MT0073475, MT0073615, MT0075588, MT0076631, MT0076675, and MT0077098. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

119. Attached to this declaration as **Exhibit 119** are true and correct copies of documents produced by AMG during discovery with Bates numbers: MT0000962-68, MT0001063-65, MT0001076-78, MT0001236, MT0001273-78, MT0001304, MT0001553-54, MT0030167-73, MT0030324, MT0030347-49, MT0030837-47, MT0030880-83, MT0031654-56, and MT0032584-91. These documents have been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

120. Attached to this declaration as **Exhibit 120** is a true and correct copy of a document obtained by the FTC from the Pitkin County (Colorado) Treasurer and represents property tax information for 269 Park, LLC. This document has been redacted pursuant to Special Order 108 and the Amended Confidentiality Protective Order (ECF No. 308).

121. **Exhibit 121** is omitted.

122. **Exhibit 122** is omitted.

123. Attached to this declaration as **Exhibit 123** are true and correct copies of documents produced by the Tucker Defendants during discovery with Bates numbers TUCKER-DEF_017783-88.

124. Attached to this declaration as **Exhibit 124** is a true and correct copy of Kim Tucker's Answers To Plaintiff's Second Set Of Interrogatories And Supplemental Interrogatory No. 6 To First Set Of Interrogatories (April 24, 2015).

125. Attached to this declaration as **Exhibit 125** is a true and correct copy of Park 269, LLC's Answers To Plaintiff's Second Set Of Interrogatories And Supplemental Interrogatory No. 4 To First Set Of Interrogatories (April 24, 2015).

126. Attached to this declaration as **Exhibit 126** is a true and correct copy of an Ex Parte Temporary Restraining Order With Asset Freeze issued in the matter *FTC v. Philip Danielson, LLC*, No. 2:14-cv-00896-GMN-VCF (June 23, 2014).

127. Attached to this declaration as **Exhibit 127** is a true and correct copy of a Preliminary Injunction With Other Equitable Relief issued in the matter *FTC v. Ideal Financial Solutions, Inc.*, No. 2:13-cv-00143-MMD-GWF (Feb. 15, 2013).

128. Attached to this declaration as **Exhibit 128** is a true and correct copy of a Preliminary Injunction Order issued in the matter *FTC v. Jeremy Johnson*, No. 2:10-cv-02203-RLH-GWF (Feb. 10, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of May 2015.

/s/Nikhil Singhvi

Nikhil Singhvi